

AN ORDINANCE

BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT (BUREAU OF CODE COMPLINANCE) TO CLEAN THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON FEBRUARY 24, 2005.

<u>Council District</u>	<u>Property Address</u>
01	215 Adair Avenue, SE
11	2257 Belvedere Avenue, SW
04	1193 Lee Street, SW
02	149 Randolph Street, NE
03	259 Scott Street, NW

WHEREAS, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

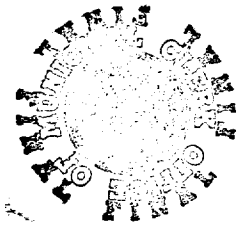
WHEREAS, on February 24, 2005, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

WHEREAS, on February 24, 2005, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for occupancy or habitation and could be improved, repaired, or altered at a cost less than fifty (50%) or less of the value of the structures, exclusive of the foundation and lots after the improvements have been made; and

WHEREAS, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and/or parties in interest an order requiring the owner(s) and/or parties in interest to repair the structures or clean the premises, vacate and close such structure(s) pursuant to Section 29 of the Atlanta Housing Code.

WHEREAS, a period of thirty (30) days from the date of said order was allowed for the owner (s) and/or parties in interest to comply with the Order.

WHEREAS, the owner(s) and/or parties in interest of the properties, failed to comply with the Order of the In Rem Review Board within the specified time;



NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: That the Mayor or her designee is authorized to clean and close the following real property upon which structure(s) are located:

<u>Proper Street Address</u>	<u>City Council District</u>
215 Adair Avenue, SE	01
2257 Belvedere Avenue, SE	10
1193 Lee Street, SW	04
149 Randolph Street, NE	02
259 Scott Street, NW	03

Section 2: That the Mayor or her designee is hereby authorized to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structure, (if occupied).
- (2) Clean the premises and board the structure(s) in conformity with the In Rem Board's Order.
- (3) Maintain the property in conformity with the In Rem Board's Order until the structure(s) are repaired and demolished.
- (4) File a lien against the real property on which the structure(s) are attached in an amount necessary to recover the costs incurred by the City of Atlanta.

Section 3: That the Mayor or her designee is further authorized to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

Section 4: That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,
Phonka Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

June 6, 2005
June 14, 2005

TO WHOM IT MAY CONCERN: LIS PENDENS

Notice is hereby given that a complaint was filed by the City of Atlanta against:

**Damien Senquiz
Peachtree Battle Investments, Inc.
Vesta Holdings I, LLC as Nominee for Heartwood II, LLC**

**on 2-4-05 in the Bureau of Code Compliance of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF ATLANTA IN LAND LOT 57 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING LOT 40 OF A.D. ADAIR SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 8, PAGE 183, FULTON COUNTY, GEORGIA RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH SIDE OF ADAIR AVENUE 221.4 FEET WEST OF THE SOUTHWEST CORNER OF ADAIR AVENUE AND LAKEWOOD AVENUE; RUNNING THENCE WEST ALONG THE SOUTH SIDE OF ADAIR AVENUE 60 FEET TO AN IRON PIN; RUNNING THENCE SOUTH ALONG THE EAST LINE OF LOT 42, SAID SUBDIVISION, 179 FEET TO AN IRON PIN ON THE NORTH SIDE OF A 10 FOOT ALLEY; RUNNING THENCE EAST ALONG THE NORTH SIDE OF SAID 10 FOOT ALLEY, 60 FEET TO AN IRON PIN; RUNNING THENCE NORTH 179 FEET TO AN IRON PIN ON THE SOUTH SIDE OF ADAIR AVENUE AND THE POINT OF BEGINNING, BEING IMPROVED PROPERTY KNOWN AS 215 ADAIR AVENUE, S.E., ATLANTA, GEORGIA, AND BEING THE SAME PROPERTY DESCRIBED IN A WARRANTY DEED FROM MRS. FLOY COUCH TO PAUL W. STARNES, RECORDED IN DEED BOOK 3901, PAGE 318, FULTON COUNTY, GEORGIA RECORDS.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: February 4, 2005

**BY: Larry DeShazo
Bureau of Code Compliance, Official Agent
(404) 330-6190**

**BY: Bill Carter
Assistant Real Estate City Attorney**

TO WHOM IT MAY CONCERN: LIS PENDENS

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Ethel F. Callaway
First Nationwide Mortgage Corporation

on 2-4-05 in the Bureau of Code Compliance of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Lot 184 of the 14th District of Fulton County, Georgia, being Part of Lots 16 and 17, Cascade Heights Subdivision, as per plat recorded at Plat Book 27, page 30, Fulton County Records, and being more particularly described as follows:

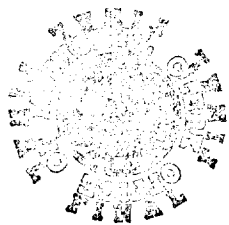
BEGINNING at an iron pin at the intersection of the Northwestern side of Belvedere Avenue with the Northeasterly side of Fontaine Avenue; running thence Northwesternly along the Northeasterly side of Fontaine Avenue, One Hundred Thirty (130) feet to an iron pin; running thence Northeasterly, One Hundred Twenty and Nine-tenths (120.9) feet to an iron pin and Lot 18 of said subdivision; running thence Southerly along the Westerly line of said Lot 18, One Hundred Thirty Four and Five-tenths (134.5) feet to an iron pin on the Northwestern side of Belvedere Avenue, Eighty Eight (88) feet to an iron pin on the Northeasterly side of Fontaine Avenue and the point of beginning; being improved property known as No. 2257 Belvedere Avenue, Atlanta, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: February 4, 2005

BY: Kenny DeShazer
Bureau of Code Compliance, Official Agent
(404) 330-6190

BY: Bill Castrop
Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN: LIS PENDENS

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Your Service Center, Inc.
Fulton County City of Atlanta Land Bank Authority, Inc.
Valley Pine Mortgage, Inc.
Fulton County Tax Commissioner

on 1-7-05 in the Bureau of Code Compliance of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF ATLANTA, LAND LOT 119 OF THE 14TH DISTRICT, ORIGINALLY HENRY, NOW FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

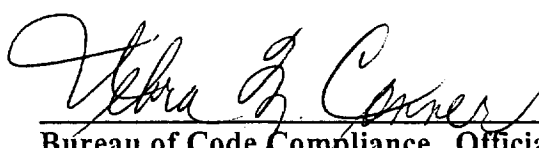
BEGINNING AT AN IRON PIN AT THE CORNER FORMED BY THE INTERSECTION OF THE NORTHWEST SIDE OF ROOSEVELT HIGHWAY (FORMERLY LEE STREET) WITH THE SOUTHWEST SIDE OF ARLINGTON STREET, AND RUNNING THENCE SOUTH 33 DEGREES 15 MINUTES WEST ALONG THE NORTHWEST SIDE OF ROOSEVELT HIGHWAY 135.8 FEET TO AN IRON PIN AT THE CORNER FORMED BY THE INTERSECTION OF THE NORTHWEST SIDE OF ROOSEVELT HIGHWAY WITH THE NORTH SIDE OF AVON AVENUE; THENCE SOUTH 88 DEGREES 48 MINUTES WEST ALONG THE NORTH SIDE OF AVON AVENUE 38 FEET TO A RAILROAD SPIKE; THENCE NORTH 8 DEGREES 15 FEET EAST 70 FEET TO AN IRON PIN (WHICH POINT IS 50 FEET MEASURED PERPENDICULARLY FROM ROOSEVELT HIGHWAY); THENCE NORTH 33 DEGREES 58 MINUTES EAST 102 FEET TO A IRON PIN ON THE SOUTHWEST SIDE OF ARLINGTON STREET; THENCE SOUTH 49 DEGREES 18 MINUTES EAST ALONG THE SOUTHWEST SIDE OF ARLINGTON STREET 81 FEET TO ROOSEVELT HIGHWAY, AT THE POINT OF BEGINNING; SAID PREMISES BEING IMPROVED WITH A SERVICE STATION KNOWN AS NO. 1193 ROOSEVELT HIGHWAY (FORMERLY LEE STREET), S.W. THE TRACT OF LAND HEREIN DESCRIBED IS SHOWN ON A SURVEY OF PROPERTY OF SINCLAIR REFINING COMPANY, MADE BY C.H. FAULKNER & ASSOCIATES, INC., DATED OCTOBER 15, 1948 AND RECORDED IN PLAT BOOK 36, PAGE 13, FULTON COUNTY RECORDS.

being improved property known as 1193 Lee Street, S.W. according to the present numbering system in the City of Atlanta, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: January 7, 2005

BY:


Bureau of Code Compliance, Official Agent
(404) 330-6190

BY:


Assistant Real Estate City Attorney

TO WHOM IT MAY CONCERN: LIS PENDENS

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Leroy Lewis
Fulton County Tax Commissioner
INTERNAL REVENUE SERVICE

on 12-10-04 in the Bureau of Code Compliance of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 19 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA AS PER SURVEY OF THE B-X CORPORATION DATED JANUARY 7TH, 1949 MADE BY HAROLD L. BUSH REG. SURVEYOR AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST SIDE OF RANDOLPH STREET (51.8) FEET SOUTH OF THE SOUTHEAST CORNER OF RANDOLPH AND MCGRUDER STREETS, THENCE EAST (82) FEET, THENCE SOUTH (33.8) FEET, THENCE WEST (82) FEET TO THE POINT OF BEGINNING. THE SAME BEING IMPROVED PROPERTY KNOWN AS 149-151 RANDOLPH STREET N.E. IN THE CITY OF ATLANTA, GEORGIA.


The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

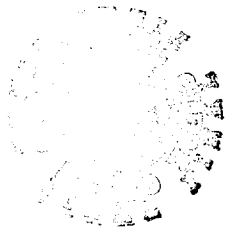
Dated: December 10, 2004

BY:


Bureau of Code Compliance, Official Agent
(404) 330-6190

BY:


Assistant Real Estate City Attorney



TO WHOM IT MAY CONCERN: LIS PENDENS

Notice is hereby given that a complaint was filed by the City of Atlanta against:

**Essie Mitchell
Fulton County Tax Commissioner**

on **12-10-04** in the Bureau of Code Compliance of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

all that tract or parcel of land lying and being in Land Lot 142 of the
14th District of Fulton County, Georgia and being more particularly described as
follows:

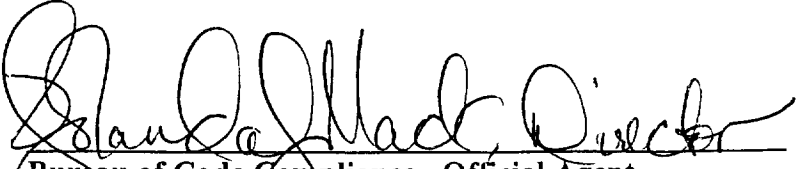
BEGINNING at the Southeast corner of Collier and Scott Streets,
running thence east along the south side of Collier Street,
thirty-two and five-tenths (32.5) feet more or less; thence
southerly one hundred twenty-three (123) feet more or less;
thence west thirty-five (35) feet to the east side of Scott
Street; thence north along the east side of Scott Street one
hundred twenty-three (123) feet, to the point of beginning;
being the west one-half property described in Deed from G. W.
Amos to Mrs. Pearl Baker Cox; recorded in Deed Book 1918, page
310, Fulton County Records.
Located to the rear of the two houses on property as per Deed
recorded in Deed Book 1918, page 310 is a well. Right to the
joint use of said well is reserved to the owners or occupants
of each of said houses; the upkeep and expenses of said well
are to be shared equally by the owners or occupants of said
houses.

Being improved property known as 259 Scott Street, NW
according to the present numbering system in the City of Atlanta.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings,
dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This
notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as
provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such
real property.

Dated: December 10, 2004

BY:


Bureau of Code Compliance, Official Agent
(404) 330-6190

BY:


Assistant Real Estate City Attorney

RCS# 6733
6/06/05
3:33 PM

Atlanta City Council

Regular Session

05-O-0829 CLEAN & CLOSE PREMISES VARIOUS STRUCTURE

ADOPT

YEAS: 9
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 6
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
NV Young	Y Shook	NV Maddox	NV Willis
NV Winslow	Y Muller	B Sheperd	NV Borders

05-O-0829

05-0-0829
(Do not write Above This Line)

AN ORDINANCE BY COMMUNITY
DEVELOPMENT/HUMAN RESOURCE
COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR
TO DIRECT THE DEPARTMENT OF PLANNING
AND COMMUNITY DEVELOPMENT (BUREAU OF
CODE COMPLIANCE TO CLEAN AND
CLOSE THE PREMISES OF VARIOUS STRUCTURES,
PURSUANT TO ARTICLE III OF THE ATLANTA
HOUSING CODE AND A HEARING CONDUCTED
BY THE IN REM REVIEW BOARD ON
FEBRUARY 24, 2005

Council District	Property Address
01	215 Adair Avenue, SE
11	2257 Belvedere Avenue, SE
04	1193 Lee Street, SW03
02	149 Randolph Street, NE
03	259 Scott Street, NW

ADOPTED BY
JUN 06 2005
COUNCIL

- ☒ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER

Date Referred 5-16-2005
Referred To: Community Development / Human Resources

First Reading

Committee _____
Date _____
Chair _____

Committee Date Chair	Committee Date Chair	Actions: Fav, Adv, Held (see rev. side) Other	Members	Refer To

Committee Date Chair	Committee Date Chair	Actions: Fav, Adv, Held (see rev. side) Other	Members	Refer To

COUNCIL ACTION

- ☒ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- Readings
- ☐ Consent
- ☐ V Vote
- ☒ RC Vote

CERTIFIED

JUN 06 2005

CERTIFIED
JUN 06 2005
Rhonda Dugheim Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Amey